

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

**STATE OF MISSOURI, ex rel. Attorney
General Joshua D. Hawley,**

Plaintiff,

v.

**BRANSON DUCK VEHICLES, LLC, and
RIPLEY ENTERTAINMENT INC.,**

Defendants.

Case No. 18-03293-CV-S-MDH

**UNITED STATES' MOTION TO HOLD IN ABEYANCE ITS
MOTIONS TO INTERVENE AND STAY DISCOVERY (D.E. 14.)¹**

COMES NOW Timothy A. Garrison, United States Attorney, and Randall D. Eggert and Casey Clark, Assistant United States Attorneys, and hereby respectfully requests this Court to hold in abeyance the United States' "Motion to Intervene and Motion to Stay Discovery" (D.E. 14), filed on September 17, 2018, pending resolution of the State of Missouri's "Motion to Remand and for Fees and Costs Pursuant to 28 U.S.C. § 1447(c)" (D.E. 18), filed on September 24, 2018, and/or continued discussions of the State of Missouri and the United States. In support thereof, counsel for the United States offers the following suggestions:

1. On September 10, 2018, Defendants Branson Duck Vehicles, LLC and Ripley Entertainment, Inc. filed their joint notice of removal of the State of Missouri's action, case number 1846-CC00162, from Taney County, Missouri, Circuit Court to the United States District Court for the Western District of Missouri. (D.E. 1.)

2. On September 17, 2018, the United States of America filed its motion to intervene and stay discovery in the matter. (D.E. 14.)

¹"D.E." refers to the docket entries of the instant case, case number 18-03293-CV-S-MDH, and any associated documents.

3. On September 24, 2018, the plaintiff filed its motion to remand, requesting that this Court remand the matter to state court. (D.E. 18.)

4. On October 1, 2018, the plaintiff filed its suggestions in opposition to the United States' motions to intervene and stay discovery. (D.E. 22.) The Court ordered that any reply to the plaintiff's suggestions was due by October 15, 2018. *Id.*

5. The United States filed a motion for extension of time to file its reply on October 15, 2018, due to the continued discussions between the State of Missouri and the United States regarding the motions to intervene and stay discovery. (D.E. 27.) This Court granted the request and ordered the United States to file its reply by October 24, 2018. (D.E. 28.)

6. Between such time extension and the date of this instant filing, the State of Missouri and the United States continue to discuss potential resolution of their differences regarding the United States' motions to intervene and stay discovery in the instant case. The United States had also filed similar motions in the Taney County action. However, any potential resolution to such differences may depend on the Court's ruling of the State of Missouri's motion to remand.

7. Given this pending issue regarding forum, the United States desires for this Court to hold in abeyance its motions to intervene and stay discovery until the Court can resolve the plaintiff's motion to remand or until the United States otherwise believes it is necessary to readdress its requests.

8. Undersigned counsel for the United States has discussed this request with counsel for the State of Missouri and they have no objection.

WHEREFORE, the United States respectfully requests that this Court hold in abeyance its "Motion to Intervene and Motion to Stay Discovery" (D.E. 14), and for such other relief as the Court deems necessary.

Respectfully submitted,

Timothy A. Garrison
United States Attorney

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on October 24, 2018, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Casey Clark
Casey Clark
Assistant United States Attorney